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6 UNITED STATES DISTRICT COURT

7 FOR THE CENTRAL DISTRICT OF CALIFORNIA

8 UNITED STATES OF AMERICA,

9 Respondent-Plaintiff,

10 v.

11 JUAN RAMON MATTA-BALLESTEROS,

12 Petitioner-Defendant.
13
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No. CV 16-02596-JAK
(CR 87-00422-JAK)

ORDER

15 As stated in the Court's order of May 22, 2017 (Docket Entry 37)
16 in the above-captioned case, Petitioner's motion to vacate, set-
17 aside, or correct sentence filed pursuant to 28 U.S.C. § 2255 is
18 GRANTED. Each count of conviction is vacated and a new trial is
19 ordered.

20 On or before August 29, 2017, the Government shall report to the
21 Court and petitioner/defendant the results of any DNA hair forensic
22 testing conducted in the case. This report shall state whether the
23 Government intends to pursue a new trial. Pursuant to 18 U.S.C. §
24 3161(e), any such trial is to commence within 180 days of the
25 issuance of the Court's Order granting Petitioner's Motion to Vacate.

26 Within ten (10) days of this order, the Government shall submit
27 proposed findings of fact and conclusions of law pursuant to the
28 Speedy Trial Act and 18 U.S.C. 3161.

1 The Court further finds, pursuant to the Bail Reform Act, 18
2 U.S.C. § 3142(f), that no condition or combination of conditions
3 would assure the safety of the community and the on-going appearance
4 of petitioner/defendant in this case, and petitioner/defendant is
5 therefore ordered DETAINED without bond pending a new trial, or a
6 determination by the Government that no new trial will be sought.
7 These findings are based on the nature of the charges in this case,
8 and the lack of any lawful status of petitioner/defendant in the
9 United States known to the Court. This order of detention is without
10 prejudice.

11 Petitioner's request that he be transferred to the Metropolitan
12 Detention Center in Los Angeles is **DENIED WITHOUT PREJUDICE** because
13 there is no showing of any request to, or action by, the Bureau of
14 Prisons as to such a transfer.

15 IT IS SO ORDERED.

16 Dated: July 5, 2017



HONORABLE JOHN A. KRONSTADT
United States District Court

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